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N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF

)	Administrative Action
)	
MARIETTA M. HALUM, D.D.S.)	CONSENT ORDER
LICENSE NO. DI 16357)	
)	
LICENSED TO PRACTICE DENTISTRY)	
IN THE STATE OF NEW JERSEY)	
_____)	

CERTIFIED TRUE COPY

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information alleging that Marietta m. Halum, D.D.S. ("respondent"), permitted an unlicensed person to perform orthodontic procedures on her patients. Specifically it was alleged that respondent permitted Ellen Cuevas to place and remove ligature wires and to bond brackets. Ms. Cuevas was graduated from a dental school in the Phillippines where she had practiced dentistry prior to coming to the United States. Respondent has employed Ms. Cuevas since 1990. Respondent provided a statement to the Division of Consumer Affairs, Enforcement Bureau, in which she admitted that Ms. Cuevas performed the orthodontic procedures described above. Ms. Cuevas also admitted

that she performed the procedures. Following respondent's interview by personnel from the Enforcement Bureau, respondent retained John Dizzia, Esq., as her counsel. Mr. Dizzia subsequently provided documents on behalf of his client to the Board.

Based on the foregoing, it appears to the Board that the respondent employed and permitted an unlicensed individual to perform dental procedures that require licensure and/or registration. The Board finds that conduct constitutes violations of N.J.S.A. 45:1-21(c) and N.J.S.A. 45:6-61 providing that any licensed dentist who permits any unlicensed person(s) to practice dental hygiene under her direction or control shall be guilty of conduct constituting willful and gross malpractice or willful and gross neglect in the practice of dentistry.

It now appearing to the Board that the respondent wishes to resolve this matter without recourse to formal proceedings and for good cause shown,

IT IS ON THIS 17th DAY OF May, 2000,

ORDERED THAT:

1. The license of the respondent to practice dentistry in the State of New Jersey shall be and is hereby suspended for a period of five (5) years for employing and permitting an unlicensed individual to perform those dental procedures reserved by law to registered dental hygienists and/or registered dental assistants. The entire suspension shall be stayed and shall be served as a period of probation during which respondent shall fully comply with

all provisions contained in this Board's enabling act and implementing regulations as well as the general laws of the State of New Jersey.

2. During the period of probation, respondent shall be subject to random, unannounced audits of her practice. Such audits shall be conducted by the Board or its designee. Any and all costs of the audit shall be borne by respondent who shall pay such costs within thirty (30) days after receiving a certification regarding costs incurred from the Board.

3. Respondent is hereby assessed a civil penalty in the amount of \$10,000.00, representing a penalty for repeatedly permitting an unlicensed individual to perform those dental procedures reserved by law to registered dental hygienists and/or dental assistants. This civil penalty shall be submitted by certified check or money order made payable to the State of New Jersey and sent to the Board of Dentistry, Attention: Agnes M. Clarke, Executive Director, 124 Halsey Street, P.O. Box 45005, Sixth Floor, Newark, New Jersey 07101, no later than thirty (30) days from the date of entry of this Order.

3. Within thirty (30) days of the entry of this Order, respondent shall pay costs to the Board in the amount of \$3,760.34, which payment shall be made by way of certified check or money order payable to the State of New Jersey and submitted to the Board office.

4. If, upon receipt of reliable information, including but not limited to an affidavit of counsel or Board staff, the

Board determines that respondent appears to have violated any term of this Consent Order, the Board may, in addition to any other penalty authorized by law, upon seven days notice to respondent, activate the stayed suspension.

STATE BOARD OF DENTISTRY

By:

Henry Finger DDS
Henry Finger, D.D.S.
President

I have read and I understand
this Order and agree to be
bound by its terms. I consent
to the entry of this Order.

Marietta M. Halum DMD
Marietta M. Halum, D.D.S.